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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 1016th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 26 October 1990, at 10 a.m.

Chairman: Mr. LALLAH

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Finland (continued)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Finland (CCPR/C/58/Add.5) (continued)

1. The CHAIRMAN drew attention to the list of issues to be taken up in connection with the third periodic report of Finland (CCPR/C/58/Add.5) and invited the Finnish delegation to continue its replies, beginning with section XI.

XI. Rights of persons belonging to minorities (article 27)

"(a) What is the current status of consideration of the proposed Sami Language Act, mentioned in paragraph 139 of the report?"

2. Mr. GRÖNBERG (Finland) said that, as indicated in the report, the Sami delegation had in 1987 put forward a proposal for a special Sami Language Act which would guarantee the Samis the same right to use their mother tongue in the courts and in dealings with the authorities as Finnish citizens of Finnish or Swedish mother tongue. The right would apply to all State, municipal and Church authorities, as well as to a number of central authorities. The bill had been submitted to Parliament on 5 October 1990. As a practical measure, new translator posts would be established in the northernmost municipalities which formed the so-called Sami country. The total cost of the exercise would be approximately Fmk 4.5 million per annum, which was equivalent to $US 1.2 million. The explanatory memorandum for the new bill made specific reference to articles 2, 15, 26 and 27 of the Covenant and to the Convention on the Elimination of All Forms of Racial Discrimination.

"(b) Please comment on progress achieved in improving the status and conditions of the Finnish Romanies as a result of the passage of such laws as the Act Prohibiting Discrimination on the Basis of Racial or Ethnic Origin (1970) and the law aimed at improving the Romanies' housing conditions"

3. Mr. GRÖNBERG (Finland) said that since the enactment of the legislation mentioned in paragraph 142 of the report, the Government had set up an Advisory Board for Romany Affairs under the Ministry of Social Affairs and Health. The role of the Advisory Board had been strengthened by a Council of State decision which would enter into force in December 1990. In co-operation with the National Board of Social Welfare and the National Board of Housing, the Advisory Board for Romany Affairs had submitted a report to the social welfare and housing authorities on co-operation between the two authorities with a view to improving the housing of the Romany population. In October 1989, a memorandum had been produced by a working group on the housing of the Romany population, set up on the initiative of the Advisory Board, which contained a new programme for the improvement of housing conditions.

4. The Romany language was not being taught for the time being in secondary schools, but an appropriation had been set aside in the national budget for the Board of Education to cover grants for adult education in civic and workers' institutes. Education had sometimes been provided in areas closely

connected with the Romany life-style, and joint seminars had been organized between the Finnish and Swedish authorities to find new ways of improving the education of the Romany people and their conditions. In 1987 the National Board of Vocational Education and the State Printing Office had jointly published a Romany language grammar and a reading book prepared by a Romany researcher. The Advisory Board for Romany Affairs had also participated in the preparation of the first elementary course in the language, which had opened in September 1989. Courses in the Romany language had also been organized by some local administrative boards.

5. Mr. WAKO noted that, according to paragraph 140, the Sami population enjoyed no monopoly on reindeer breeding or certain other primary occupations under Act No. 610/1984. When the Committee had considered a case relating to the Sami population in Sweden under the Optional Protocol, it had transpired that reindeer breeding, hunting and fishing were key elements in the Sami culture, and that the Swedish Reindeer Husbandry Act had been aimed at protecting the Sami culture by restricting membership of Sami villages and allowing only the Sami members of those villages to engage in reindeer husbandry. According to the information given in paragraph 141, reindeer husbandry appeared to be an important part of the lives of the Samis in Finland as well, and he therefore wondered why the Finnish legislation differed so much from the Swedish by keeping that particular activity open to all.

6. Mr. FODOR congratulated the Finnish delegation on its excellent report and the manner in which the questions were being answered.

7. He wished to know whether there was any law governing the recognition of ethnic minority groups in Finland or whether the matter was a political one, requiring a declaration by a certain group. He would also like to know what minorities there were other than Swedish, gypsies and Samis, and whether those other minority groups enjoyed any special treatment regarding the use of their own languages. Lastly, he asked what measures other than measures in the areas of education and language had been taken to preserve the culture of minority groups.

8. Mr. ANDO said that he wished to raise a number of points under article 23 of the Covenant. As he saw it, the revised Marriage Act made divorce easier and, in particular, had abolished a system in which the decision on divorce was based on the "guilt" principle. He wondered, however, whether easy divorce did not have an adverse effect on children. He also wondered whether opinions on the change of the marriageable age to 18 for both sexes had varied in Finland, given that in other countries the marriageable ages for the two sexes differed, possibly due to the different rates of growth and physical maturity.

9. Paragraph 126 of the report, relating to article 25 of the Covenant, referred to the right to vote in municipal elections of citizens of other Nordic countries after a minimum period of residence of two years. Were citizens of other countries also entitled to similar voting rights after two years' residence, and did those rights extend to membership of political associations? If foreigners were denied those rights, there might be some question of discrimination based on nationality.

READEX FICHE

10. Mr. GRÖNBERG (Finland), replying to Mr. Ando, said that for the time being only Finnish citizens had the right to participate in elections, but discussions were under way to revise the system and extend the right to others living in the country. Discussions were also under way in Europe to prepare a convention on that question. Membership of political parties was open to all foreigners in Finland, but it was up to the parties themselves to decide whether or not to amend their rules. As far as he was aware, there had been no opposition to changing the marriageable age and the decision had been accepted as an equality issue.

11. Mr. LEHTIMAJA (Finland) added that the reform of the Marriage Act and the divorce laws had been seen as realistic developments in Finnish society. There was some concern about the effect of the growing divorce rates on children and it was a matter which had to be considered under article 24 of the Covenant. When the new Marriage Act had come into force, there had been more divorces, but the rates had eventually settled down, and the prevalent view was that family and divorce legislation must reflect the realities of society. The guilt principle had had a negative effect on relationships within families, and its abolition had been an improvement from the children's point of view. With regard to article 24 of the Covenant, therefore, the outcome was considered to be positive.

12. Mr. GRÖNBERG (Finland), replying to Mr. Wako's question on the differences between Swedish and Finnish legislation on reindeer husbandry, said that the size of the Sami population in Finland was smaller than in Sweden, amounting to some 5,700 people, although it was difficult to make a clear distinction between the Samis and native Finns living in the northern regions. As there were some 7,000 reindeer-keepers, there were clearly many non-Samis also involved in reindeer husbandry. The fact that Finland's northern regions obviously did not have the same economic or ecological problems as Sweden was probably the main reason for the difference in legislation. However, there were ongoing discussions to revise the Reindeer Husbandry Act.

13. Mr. LEHTIMAJA (Finland), replying to Mr. Fodor's questions about ethnic minorities, said that there were general legislative criteria governing minority issues, but it was difficult to draw the line between those who belonged to an ethnic minority and those who did not. The main criteria were perhaps the principle of self-identification and, as far as the Samis were concerned, the language of the individual, his parents or grandparents. Self-identification was important in that area because with many Samis it was not clear whether they wished to be identified with a minority group or not. The same was true of other minorities, probably in view of the benefits of belonging to a majority population group. Most people living in the northern parts of Finland, whether they spoke Sami, Swedish or Finnish, shared the same ethnic origins, and there had been a good deal of intermarriage. Whether a person spoke Sami or Finnish usually depended on whether their ancestors had taken up farming or reindeer husbandry as their main livelihood. Many people would therefore contradict the claim that even the Samis were an ethnic minority.

14. The minority groups were basically Samis, gypsies, and certain religious minorities, and some 6 per cent of the total population was Swedish-speaking. The increasing numbers of refugees and foreigners in the country might generate new developments and consequently more information on minorities in

the next periodic report. The measures taken to preserve the culture of minority groups other than by language and education were numerous. The most important involved the promotion of traditional crafts and livelihoods characteristic of certain minorities, which had been taken into account in the vocational training provided to members of minority groups.

15. The CHAIRMAN invited the Finnish delegation to reply to questions which had been left pending from previous meetings.

16. Mr. GRÖNBERG (Finland), noting that Mr. Wako had asked about the relationship between human rights and development co-operation, said that the question had prompted a lot of public discussion in Finland, where some considered that respect for human rights should be a prerequisite for development assistance while others felt that deprivation of development assistance should not be added to the burden of those already lacking human rights. There was no clear-cut answer to the question, therefore, but the Minister for Foreign Affairs had recently said that Finland's views or concepts on human rights or democracy should not be used as criteria for punishment or reward when deciding on development co-operation. Efforts should instead be directed at development assistance so that it supported democratic development and did not support tendencies which had the opposite effect.

17. In reply to Mr. El-Shafei, he said that Finnish non-governmental organizations (NGOs) had played an important part both in promoting human rights and in disseminating human rights information. He was aware that information relating to the official Finnish report had been published by the NGOs and distributed to Committee members. There had been an upsurge in the number of NGOs active in human rights, ranging from Amnesty International to various Helsinki groups and the International Commission of Jurists.

18. Mr. LEHTIMAJA (Finland), replying to questions raised by Mr. Mavrommatis, Mrs. Higgins, Mr. Wako and Mr. Prado Vallejo on the proposed public emergency legislation, said that as the bill was currently being debated by Parliament, any critical remarks by the Committee were welcome. The aim of the Readiness for Emergency Bill was to protect the subsistence of the population and uphold fundamental rights in exceptional circumstances, which might include armed attack or war, or in crises which did not come under article 4 of the Covenant. The expression "economic crisis" was really an understatement: it referred to such situations as the total breakdown of the energy supply or similar catastrophes which would threaten the existence of society, and which the authorities could not cope with under normal powers, given the vulnerability of modern post-industrial society. There might, for instance, be serious labour conflicts which would block the computer systems controlling all important functions of society and paralyse those functions. Such a crisis might be compared with a state of war. The powers which the Act would involve would relate to the control of exports and imports, commerce, means of payment, communications, wages, prices, and rents, and would empower the Government to subject citizens to certain compulsory service, such as in the field of health care. It might also involve the suspension of certain political rights, such as municipal elections. However, as far as legal safeguards were concerned, the bill included a provision for compensation for any damage caused by such exceptional measures, and a system of administrative appeal would be available to any persons affected. Provisions for non-discrimination and the principle of minimal intervention were expressly

mentioned in the government bill. The most important provision from the human rights point of view was probably that which guaranteed the supremacy of international obligations. In other words, the human rights provisions in the Covenant and the European Convention for the Protection of Human Rights and Fundamental Freedoms would remain intact and prevail over any of the provisions included in the bill. Other peremptory norms of international law would also prevail over the proposed legislation; hence, the possibility of derogation from rights which were non-derogable under the Covenant would be ruled out. The bill might well require some drafting amendments in order to avoid misunderstandings, and due attention would be paid to that point.

19. Mr. Mavrommatis, Mrs. Higgins and others had voiced some criticism of the passport legislation. He regretted that the grounds for denial of a passport enumerated in the report had been poorly translated, but translation of Finnish legal texts was always difficult. In the first case listed, there must be a reasonable suspicion that the person concerned was guilty of a serious offence before the passport could be denied.

20. With respect to denial for non-payment of fines, he explained that in the Finnish penal system there was a tendency to impose fines or non-custodial sentences in preference to imprisonment. Efforts had to be made to safeguard the credibility of the system and the general deterrent value of non-custodial sentences, which constituted a lesser evil when it came to restrictions under the Covenant and human rights law. If the day-fine system lost its credibility and deterrent value, the legislature might have to have increased recourse to imprisonment, and that would be deplorable from a human rights standpoint, because loss of liberty as guaranteed under article 9 was a more serious interference in the rights of the individual than a restriction of his right to leave the country as provided for under article 12. The abuse of any right should not be protected by the Covenant, and an applicant for a passport intending to use it for any criminal purpose had no legitimate claim to protection under article 12 of the Covenant.

21. There might have been some misunderstanding concerning the question of liability for military service. A passport could be issued to a person liable for military service and conscription, but its validity must temporarily expire during the period of military service. There was no de facto possibility for a conscript to leave the country during his military service and there would thus be no derogation from article 12 by withholding a valid passport from him during that period, which was only for some 8 to 11 months.

22. The aim of the denial of a passport under the Child Maintenance Security Act was to prevent a person from avoiding maintenance and alimony liabilities by leaving the country. Denial of a passport in such circumstances would meet the requirements of article 24 of the Covenant in protecting the rights of the child.

23. The purpose of withholding a passport from a person subject to the travel ban referred to in chapter 7, section 10, of the Execution Act was to ensure the execution and enforcement of court orders with respect to debt recovery, for example. Under article 12 (3) of the Covenant, it was legitimate to restrict travel rights in order to protect national security, public order or the rights and freedoms of others.

24. A travel ban could also be imposed in the context of the Coercive Criminal Investigation Measures Act as an alternative to arrest and detention. If arrest or detention could be avoided by less stringent restrictions, such as prohibition of travel and denial of the right to leave the country provided for in article 12, that would surely be the preferable course. The Passport Act was less severe than might appear at first sight. The Parliamentary Ombudsman had recently considered its practical application and drawn the attention of the passport authorities to the relevance of article 12 of the Covenant.

25. Mr. LAHTI (Finland), answering Ms. Chanet's question about the possibility of applying alternatives to imprisonment for conscientious objectors who had refused to perform any kind of service, said that imprisonment in such cases was obligatory under Finnish law; there could be no alternative.

26. Mr. Wennergren had asked why HIV infection and AIDS were not classified as contagious diseases dangerous to public health. The diseases covered by the Contagious Diseases Act, which was strictly interpreted, were those contagious and dangerous diseases whose spread could be prevented by measures directed at a person having, or suspected of having, the disease.

27. Mr. Wennergren had also asked a question about a statement made on an earlier occasion to the effect that atheist organizations in Finland were free to defend their case but must refrain from blasphemy and from insulting the religious feelings of others. Chapter X of the Penal Code contained general provisions under the heading "Offences against the sanctity of religion" and there were some specific paragraphs, including the provision that anyone who publicly abused what was considered sacred by religious communities functioning in Finland must be sentenced, for breaching the sanctity of religion, to a fine or imprisonment for a maximum term of one year. That penalty applied to any such offender, and not merely to certain groups.

28. A question had been asked about bank secrecy. The various laws on banking activities in Finland contained several bank secrecy provisions and there was also a general provision in the Penal Code on business and professional confidentiality. Authority could be given to remove such confidentiality for the purposes of police investigations or other public purposes, but only as prescribed by law.

29. Mr. LEHTIMAJA (Finland) noted that further information had been requested concerning the practical application of the Publicity of Court Proceedings Act. That Act, which had come into effect in 1985, had enabled Finland to withdraw one of the reservations it had made to article 14 when ratifying the Covenant. There had been no major problems in applying the Act. There were very few public hearings at the appellant level in the proceedings of Finnish courts of appeal or in those of some of the administrative courts. It had therefore been necessary to enter a reservation to that effect when ratifying the European Convention on Human Rights. A committee had recently been appointed to revise the procedures of the courts of appeal and other courts with a view to enhancing the public nature of the proceedings and facilitating the withdrawal of the reservation.

30. When Finland's pre-trial investigation legislation had been revised and pre-trial arrest and detention had been subjected to court review, there had been some question about the public nature of pre-trial hearings and arrest and detention issues in the lower courts. The Publicity of Court Proceedings Act had then been revised to provide that, at the request of the suspect, the public nature of pre-trial hearings could be restricted. That had given rise to considerable discussion in the media, and the restrictions had been criticized on the ground that they violated the "public-nature" principle. It could be argued, on the other hand, that the restrictions, which were intended to protect the accused person, upheld the principle of presumption of innocence.

31. Mr. Ando had asked a question about the reaction of the Finnish media to the adoption of the new personal data legislation. There had been a great deal of discussion on data protection issues in Finland, as in other countries where such legislation had been passed in recent years. Data flows recognized no State boundaries and international standards were needed in the relevant legislation. The Finnish Data Protection Act was based on the guidelines laid down by OECD and the Council of Europe. The main goal was to reconcile the need of the individual for privacy with the need for supply of data. Finnish legislation was comparable to acts passed on the subject by other European countries.

32. Mr. WENNERGREN said it was still not clear to him whether or not anti-religious propaganda had been made an offence. He asked whether the term "propaganda" had been used in that connection in the Penal Code. Article 19 of the Covenant provided for the right to freedom of expression. If a person wished to influence public opinion in favour of his views, he would need to express them strongly, and in doing so he might be said to be engaging in propaganda in the broadest sense. The prohibition of anti-religious propaganda would therefore be a severe curtailment of freedom of expression. He wished to know whether anti-religious propaganda was prohibited under the Finnish Penal Code in the same way as propaganda for war was prohibited in the Covenant.

33. Mr. NDIAYE observed that during the consideration of the second periodic report, it had been stated that Finland had adopted no provisions that were incompatible with the view it had expressed at the sixteenth session of the General Assembly, when voting against the prohibition of propaganda for war on the ground that such prohibition would inhibit the freedom of expression provided for in article 19 of the Covenant. During the consideration of the first periodic report, the Finnish representative had undertaken to recommend to his Government that the reservation should be withdrawn, but during consideration of the second report he had stated that his Government had decided to maintain it.

34. He would welcome a more specific explanation than the one given in the section of the third report relating to article 10 of the Covenant, since the question was a fundamental one. War could certainly be discouraged by education and information, as was provided for in the UNESCO Constitution and in the Covenant, and condemnation of propaganda for war could contribute effectively to the prevention of war. The question therefore deserved serious consideration notwithstanding the terms of article 19. Efforts should be made to reconcile the two provisions.

35. Mr. MAVROMMATIS said that he wished to revert to the question of passports, on which he still had some misgivings. The Passport Act would have to be given a very narrow and strict interpretation in order to bring it within the spirit of article 12 (3). The Ombudsman was rightly worried about the Act since it contained some provisions that other countries that were well behind Finland with regard to human rights had declared unconstitutional several years before. There were many ways of ensuring the maintenance of children without resorting to the withholding of a passport. He had been left with the impression that Section 10 of the Execution Act covered judgements in civil cases, and he would welcome further explanation of that point. The Act was clearly open to abuse, and he hoped that the Ombudsman and other authorities would be constantly on their guard against that possibility.

36. Mrs HIGGINS said that she was still concerned about the restrictions on the issuing of passports under the Passport Act and the Passport Decree of 1987 (see document CCPR/C/58/Add.5, para. 74). Those laws allowed the authorities discretion to deny a person a passport or not, as they saw fit; in her view, no one should be denied a passport for the reasons cited. Under the laws in question, a person could be denied a passport if there was reasonable suspicion that he was guilty of a serious offence; however, "reasonable suspicion" was surely not a sufficient ground for denying a person freedom of movement before he had been charged.

37. With reference to the second and third reasons given, which covered the non-payment of fines, she felt that Finland had perhaps been guilty of playing off some of the rights in the Covenant against others. State parties should not try to justify limited implementation of certain rights by claiming that full implementation might jeopardize other rights in the Covenant; each article of the Covenant had qualifying clauses specifically designed precisely to prevent such a situation.

38. With reference to the fourth reason given, which covered people suspected of being liable to commit an offence, she asked how the authorities were expected to decide whether a person was going to commit an offence. With reference to the sixth reason, she could not see why people performing their military service should not be allowed to go abroad during short periods of leave.

39. A passport might also be denied to someone who had not fulfilled his obligations under the Child Maintenance Security Act; most other countries had found other ways of dealing with the problem which did not affect a person's right to hold a passport. She hoped that the Finnish Government would heed the Committee's criticisms and amend the wording of the two laws in question, which might make them liable to abuse at some point in the future.

40. Mr. PRADO VALLEJO said that he, too, was concerned about the passport legislation. It would be very easy for one person to denounce another to the police in order to prevent him from leaving the country. Who would decide whether the accusation was justified? In the same way, the fifth reason for denying someone a passport, which covered persons considered incapable of looking after themselves, was open to abuse. It was also most improper to deny someone a passport merely on the grounds that they might use it to commit an offence.

41. His other doubt concerned the detention of aliens under the Aliens Act (see para. 50 of the report). Although the initial period of detention was seven days, it appeared that it could be extended for considerably longer than that.

42. Mr. GRONBERG (Finland), replying to Mr. Ndiaye's remarks about war propaganda, said that Finland's reservation on article 20 (1) of the Covenant, on the grounds that a ban on war propaganda might endanger freedom of expression, had been the subject of considerable debate in many forums, including the Task Force on Penal Code Reform. The Government's objections to a ban on war propaganda were based on strongly held principles, and he could not envisage any change being made in the near future.

43. Mr. LAHTI (Finland) said that the draft proposals for reform of the Penal Code contained a reference to incitement to war. Under the new draft Code (chap. 12, sect. 2), a Finnish citizen or a foreigner resident in Finland who publicly advocated acts of aggression or performed a number of other actions which clearly increased the danger of war or acts of war against Finland was liable to imprisonment for a term of 1 to 10 years. Some members of the Task Force on Penal Code Reform considered that such a provision would be sufficient to allow Finland to withdraw its reservation to article 20 (1). However, others believed that the principle of not banning propaganda for war was so firmly entrenched in the philosophy of all the Nordic countries that the new provision would not be sufficient to remove it.

44. In reply to Mr. Wennergren's question about anti-religious propaganda, he could only repeat what he had said before, namely, that there was no general provision prohibiting anti-religious propaganda, but certain specific offences against the sanctity of religion were punishable under chapter X of the Penal Code.

45. Mr. LEHTIMAJA (Finland), replying to Mr. Mavrommatis' question, said that a person could indeed be denied a passport after conviction in a civil case; for example, people might be denied the right to travel abroad under the Execution Act if it was thought that they might try to escape their creditors.

46. He agreed with Mrs. Higgins that States parties should not try to justify their failure to implement certain articles of the Covenant by claiming that full implementation might affect other articles. He had, in fact, been referring to article 12 (3) of the Covenant, which stated that the rights outlined in the rest of the article could be subjected to restrictions if those restrictions were consistent with the other rights recognized in the Covenant.

47. In reply to Mr. Prado Vallejo's question, he said that a person could be denied a passport only if there were reasonable grounds for believing that he had committed an offence; a simple accusation was not, therefore, sufficient. The decision as to what constituted "reasonable suspicion" lay with the police. It was true that it might be possible to abuse the system, but Finnish legislation provided for a number of legal remedies (e.g. judicial review or complaints to the Parliamentary Ombudsman, the Chancellor of Justice or the Ministry of the Interior) for individuals who felt that their rights had been infringed.

48. Mr. MYULLERSON thanked the members of the Finnish delegation for their exemplary co-operation with the Committee and their clear desire to improve a human rights record which was already impressive. The example of Finland showed that a good domestic human rights record often went hand in hand with a peaceful foreign policy.

49. Mr. EL-SHAFEI thanked the Finnish representatives for the serious and objective manner in which they had presented their report. He hoped that Finland would soon be able to withdraw its remaining reservations to the Covenant. For the first time, Finnish NGOs had submitted a joint report, which had given a balanced and objective view of human rights law and practice, with suggestions for future action. Members of the Committee had raised a number of issues concerning, for example, the rights of minority groups and aliens and the right to freedom of movement, and the representatives had accepted their criticisms with good grace.

50. Mr. MAVROMMATIS thanked the Finnish representatives for their excellent report and the candid way they had answered the Committee's questions. He particularly hoped that Finland would take action on two of the points raised by the Committee, namely, preventive detention of dangerous recidivists (see para. 72 of the report) and conscientious objection to military service.

51. Mrs. HIGGINS said that the Committee's dialogue with the representatives of Finland had been satisfying and useful. She had been glad to learn that individuals whose rights under the Covenant had been infringed would not have to begin their fight for compensation all over again in the Finnish courts, although she appreciated the difficulties that might arise in awarding compensation.

52. Her concern about the Readiness for Emergency Bill had been somewhat allayed. It seemed that the compulsory service which might be required under that legislation came within the provisions of article 8 (3) (c) of the Covenant. The only doubtful point remaining was the suspension of municipal elections. However, she urged the Finnish Parliament to ensure that the wording of the new Act was consistent with article 4 of the Covenant, in order to preclude any abuses.

53. On the subject of appeals by mental health patients against involuntary detention, she realized that it was important not to make the time-limit for such detention either too short or too long. A period of 14 to 30 days might prove flexible enough.

54. Members of the Committee had commented in detail upon Finland's implementation of article 12 of the Covenant, and the representatives had promised to convey their remarks to the Finnish Government. She had noted with appreciation the section of the report dealing with article 24 of the Covenant (paras. 118-122 of the report), even though the Committee had not asked any specific questions about it. She had welcomed the Finnish delegation's positive attitude to the joint report by NGOs, and hoped that Finland would withdraw its remaining reservations on the Covenant as soon as possible.

55. Mr. NDIAYE thanked the Finnish representatives for their excellent report and for their frankness towards the Committee, even in those cases where the Finnish Government had not shared the Committee's views. There were, however, clearly areas where the Government could do more, such as the passport laws and legislation governing anti-war propaganda.

56. The third periodic report had contained no references to the law on defamation, which had been the subject of considerable debate during the consideration of the second report (CCPR/C/32/Add.7). He accordingly concluded that there had been no developments in that area. He hoped that the Finnish representatives would convey to their Government the Committee's continued concern about the law on defamation.

57. Mr. PRADO VALLEJO thanked the delegation of Finland for the spirit of co-operation it had shown, not only in submitting a highly useful report but also in providing clear and candid answers to the Committee's questions, including those that pertained to shortcomings in its country's human rights legislation. While Finland had an outstanding record in the field of human rights and its legislation contained many provisions for the redress of violations, there were still several areas where improvement was needed, and he was confident that the Government of Finland would give those areas due consideration.

58. The concept of an economic crisis which could take the form of a state of emergency and thereby lead to the suspension of certain individual rights was a matter that required further examination. With respect to legislation on aliens, it would be useful for the Committee to be apprised of any reforms undertaken, especially provisions allowing for the prolonged detention of aliens, in relation to article 2 of the Covenant. The Passport Act should also be harmonized with the requirements of the Covenant.

59. He commended the delegation for having given serious consideration to the Committee's concerns and expressed the hope that ongoing discussions between the Committee and the Government of Finland would serve to further improve human rights legislation in that country.

60. Mr. ANDO thanked the Finnish delegation for its frank and serious efforts to answer the Committee's questions and congratulated it on Finland's excellent human rights record. There nevertheless remained a number of shortcomings which needed to be remedied. In particular, attention should be paid to the questions of long-term preventive detention, regulations concerning passports and the situation of conscientious objectors. The fact that special privileges were afforded to certain religious sects but denied to others in relation to conscientious objection was difficult to justify, and therefore required further examination under the relevant article of the Covenant. As pointed out by Mr. Myullerson and Mr. El-Shafei, the Helsinki Accord had led to improved international relations and thereby demonstrated Finland's contribution to the field of human rights. In that respect, he trusted that the concept of Finlandization had been relegated to the past.

61. Ms. CHANET thanked the Finnish delegation for its excellent report, its detailed answers to the Committee's questions and its exceptionally open attitude to criticism. The Finnish Government's exemplary human rights record

was a matter of common knowledge and the progress achieved in the gradual removal of reservations concerning the Optional Protocol was highly commendable. She was confident that the delegation would inform the Government of the Committee's hope that the remaining reservations would be speedily removed.

62. Associating herself with Mr. Ando's observations, she expressed the hope that the Committee's observations concerning the legislation on detention, particularly with regard to dangerous recidivists, would be taken into account when modifications were made to that legislation. It was especially important to give careful consideration to the penalties applied in those cases and to ensure that an effective system existed for the review of those penalties. In addition, recourse should be available under article 9 of the Covenant to any person detained or convicted. The problem of solitary confinement of recidivists for periods of up to several months should also be examined in the light of article 7 of the Covenant.

63. The discussion on the laws on blasphemy and on the prohibition of religious propaganda had shown that the right to freedom of religion and expression was not recognized in conditions of total equality. In that respect, members of religious groups appeared to benefit under the law from preferential treatment enabling them to escape military service, whereas others were obliged to accept conscription and any recalcitrance on their part could lead to a prison sentence. She hoped that the Committee's comments on the relevant legislation, which was due to be revised after five years of application, would be taken into account by the Government.

64. She also thanked the delegation for its explanations concerning restrictions on travel under the Passport Act and acknowledged that such restrictions could be considered acceptable in cases which involved alternatives to imprisonment. However, virtually all the cases in which passports had been denied appeared to be at variance with article 12 of the Covenant. Furthermore, failure to pay a fine could hardly be considered detrimental to public order or a justification for a derogation under that same article. Agreeing with Mr. Ndiaye's comments on an individual's ability to meet his own needs, she said the fact that a person had emigrated for economic reasons could not be considered a valid motive for denying a passport. As to the suggestion that a person might use a passport in committing an offence, that seemed to belong more to the realm of divination than law. Those points had been deservedly emphasized by the Ombudsman and modification of the relevant legislation, at a time when most States were reviewing their provisions in that area, appeared necessary.

65. Mr. WAKO joined other speakers in congratulating the delegation of Finland on its high level of competence, knowledge and experience, all of which had made it possible to hold frank and constructive talks, and on the excellent co-operation among its members, which had enabled it to provide the Committee with detailed and relevant answers to the latter's many questions. While Finland was without doubt a world leader in the area of promotion and observance of human rights, there was still room for improvement and he therefore looked forward to an ongoing dialogue with the Government, particularly concerning reforms currently under consideration to existing legislation, such as the Alien Acts, the Penal Code and the Reindeer Husbandry Act. Special attention should be paid to the situation of the Samis, whose

population required particular protection as it was very small. The delegation's answers to questions on the Passport Act had shown that the relevant provisions constituted better guarantees than had initially seemed the case, and they were in practice monitored by the Ombudsman. However, those provisions should still be reconsidered under article 12 (3) of the Covenant. The answers provided on development aid and human rights had been extremely satisfactory, and showed that Finland's approach in that area was worthy of emulation by other countries.

66. Mr. PocAR, reiterating his appreciation for the Finnish delegation's competence and exemplary co-operation, commended the Government of Finland for the fact that special attention was being paid to the problem of direct compensation to victims of abuses. There were naturally still some problems to be resolved in the area of human rights, as was the case in all countries. He associated himself with the comments of other speakers regarding detention and the treatment of aliens. With respect to the problem of conscientious objection, his opinion was well known to the Government of Finland as a result of an individual opinion he had expressed on a decision taken by the Committee on a communication relating to that subject. Objectivity in making any distinction in that area was absolutely essential. He looked forward to hearing the results of the discussions currently under way in Finland with a view to improving human rights guarantees.

67. Mr. WENNERGREN said that the fruitful discussions which had taken place between the delegation of Finland and the Committee had brought to light important information about the Finnish legal system and given the impression that the system was generally in conformity with the Covenant. Although existing legislation was not flawless, there had been steady progress and a clear commitment to improving human rights guarantees, which showed Finland to be a leader in that area.

68. He welcomed the fact that there was no prohibition on religious propaganda in Finland. However, he was dissatisfied with the reasons adduced for the fact that HIV infection had not been classified as a contagious disease dangerous to public health. In that respect he pointed out that article 9 (1) of the Covenant guaranteed the right to security of person. In relation to the Passport Act, the grounds on which a passport might be denied reflected a lack of respect for human dignity, as guaranteed under article 12 of the Covenant. Reconsideration and modification of that legislation was long overdue.

69. The CHAIRMAN, speaking on behalf of the Committee, commended the Finnish delegation for its skilful presentation of a very satisfactory report and for having submitted the report within the stipulated time-limit. He asked the delegation to convey to the Finnish Government the Committee's appreciation for the open and sincere dialogue that had taken place, which would help the State party and the Committee to fulfil their respective functions. The delegation's approach to Finland's obligations under both the Covenant and the Optional Protocol had been extremely fruitful. Regarding the grey areas and shortcomings mentioned, the Committee was confident that the delegation would report its views to the Government and that further investigation would be carried out into the adequacy of existing laws and mechanisms in Finland to

implement, promote and ensure full enjoyment of human rights. In conclusion, he reminded the delegation that Finland's fourth periodic report was due in August 1994 and extended the Committee's best wishes to the Finnish Government and people.

70. Mr. GRÖNBERG (Finland) thanked the members of the Committee and the Secretariat for their comments and co-operation, and expressed his appreciation for their knowledge of, and interest in, the legal system of his country. His delegation, for its part, had learned a great deal during the discussions, which had given it substantial food for thought.

The meeting rose at 12.50 p.m.